

### **REMARKS**

The Final Office Action dated February 24, 2009 contained a final rejection of claims 107 and 113-132. The Applicants have canceled claims 114-116, 124 and 130 and amended claims 113, 121, 126, 127 and 128. Claims 107 and 113, 117-123 and 125-129 and 131-132 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

#### **Rejections under 35 U.S.C. § 112**

The Office Action rejected claims 113-116, 121, 124 and 127 under 35 U.S.C. § 112. The Office Action rejected claims 121-132 under 35 U.S.C. § 112. The Office Action rejected claims 114, 123, 124, 126, 128 and 131 under 35 U.S.C. § 112.

In response, the Applicants have canceled claims 114-116 and 124 and have amended claims 113, 121, 126, 127 and 128 as suggested by the Examiner to overcome these rejections.

#### **Rejections under 35 U.S.C. § 103**

On page 6 of the Office Action, the Examiner rejected claims 107, 113-117, 119 and 120 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Foretich et al. (2003/0191723). On page 12 of the Office action, the Examiner rejected claim 118 under 35 U.S.C. 103(a) as allegedly being unpatentable over Foretich et al. and further in view of Florance et al. (2004/0030616). On page 13 of the Office action, the Examiner rejected claims 121, 122, 124-129 and 132 under 35 U.S.C. 103(a), as allegedly being unpatentable over Foretich et al. in view of Frost (2005/027336). On page 19 of the Office action, the Examiner rejected claims 123 and 131 under 35 U.S.C. 103(a), as allegedly being unpatentable over Foretich et al. in view of Florance et al. (2004/0030616).

As will be explained below, claims 113, 121 and 127 were amended to simplify issues for this patent application in order to expedite an allowance. The applicants

expressly reserve the right to pursue previously presented subject matter contained in any canceled claims by this Amendment or any previous Amendments in patent applications that are related to this patent application.

Because claims 107 and 113, 117-123 and 125-132 contain elements that are not found in the cited references, the applicants believe that claims 107 and 113, 117-123 and 125-132 are in a condition for allowance.

Specifically, the Applicants' independent claims **now include** (1) extracting high-resolution spatial vector information automatically with the computer system in response to the query for the user defined geographic area of interest from a geographic information service, wherein the spatial vector information includes absolute position data, relative position data and relative direction data; (2) accessing a database automatically with the computer system to identify a plurality of properties corresponding to the high-resolution spatial vector information, wherein each property has associated real property attributes that include at least price information; and (3) using the absolute position data, relative position data and relative direction data by the computer system to dynamically update automated valuation model (AVM) values for the identified plurality of properties and create AVM values for the identified plurality of properties that do not have AVM values already defined in their respective real property attributes so that each of the identified plurality of properties has an associated AVM value, wherein the AVM values are dynamically updated based on weighted geographical and spatial differences including proximity.

In addition, the Applicants' independent claims **also include** performing a differential value search (DVS) by the computer system to determine DVS values on the identified plurality of properties in response to the search query, wherein the differential value search (DVS) is based upon a confidence identifier with a statistical variance, absolute difference discounting of predetermined financial factors and comparisons of the AVM values and prices for each of the identified plurality of properties, wherein when a predefined threshold of the confidence identifier is reached, the AVM and DVS values are recalculated.

Support for these amendments can be found at least in FIGS. 2 and 5-6 and paragraphs [0029] – [0030], [0037] – [0042], [0045], [0074], [0087] and [0089] – [0092] of the Applicants' published patent application 2006/0105342 A1.

Although Foretich et al., alone, or in any combination with Florance et al. and/or Frost disclose accepting search queries and using comparables and knowledge bases (see Foretich et al.), the combined cited references simply get value information from **conventional** knowledge bases with standard real property comparable and price information.

In contrast, the Applicants' independent claims now include extracting high-resolution spatial vector information that includes absolute position data, relative position data and relative direction data, accessing a database to identify a plurality of properties corresponding to the high-resolution spatial vector information, wherein each property has associated real property attributes that include at least price information, using the absolute position data, relative position data and relative direction data by the computer system to dynamically update automated valuation model (AVM) values for the identified plurality of properties and create AVM values for the identified plurality of properties that do not have AVM values already defined so that each of the identified plurality of properties has an associated AVM value.

In addition, the Applicants' independent claims also include **dynamically updating the AVM values based on weighted geographical and spatial differences including proximity and** performing a differential value search (DVS) by the computer system to determine DVS values on the identified plurality of properties in response to the search query, wherein the differential value search (DVS) is based upon a confidence identifier with a statistical variance, absolute difference discounting of predetermined financial factors and comparisons of the AVM values and prices for each of the identified plurality of properties, wherein when a predefined threshold of the confidence identifier is reached, the AVM and DVS values are recalculated.

Hence, clearly, since Foretich et al., alone, or in any combination with Florance et al. and/or Frost do not disclose all of these features, the Applicants' respectfully request withdrawal of the obviousness rejections.

**Foretich et al. should not be used as a reference because it teaches away from the Applicants' claimed invention**

Further, the Applicants submit that Foretich et al. cannot be used as a reference because it **teaches away** from the Applicants' claimed invention. In particular, Foretich et al. requires accepting **only a single address or one property** in a search query as "...information associated with a subject property, such as a street address, and then locates that property..." **[emphasis added]** (see Abstract of Foretich et al.). This is because Foretich et al. is specifically designed to find valuation of each property one at a time. However, the Applicants' claimed invention is the exact **opposite** because it **performs a search query that identifies a plurality of properties**.

Any modification of Foretich et al. to perform a search query with plural properties would render Foretich et al. being modified unsatisfactory for its intended purpose and change the principle of operation of the invention in Foretich et al. being modified. This is because the spirit of the invention in Foretich et al. is clearly for creating a valuation of a single property and **not** for comparing plural properties to rank and find the best value in a geographical area, like the Applicants' claimed invention. Hence, this "teaching away" prevents the Foretich et al. reference from being used by the Examiner. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Thus, because Foretich et al. **teach away** from the Applicants' claimed invention, Foretich et al. **cannot** be used as a reference, and consequently, the Applicants submit that the rejection should be withdrawn. *MPEP* 2143.

Consequently, since the Applicants' claimed elements are **not** disclosed by Foretich et al. in any combination with the other cited references and because Foretich et al. **teach away** from the Applicants' claimed invention, the Applicants submit that the obviousness rejections should be withdrawn.

**Conclusion**

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to

withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Respectfully submitted,  
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